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09/669,486	09/25/2000	Andrew D. Flockhart	4366-20	3085
48500	7590	07/03/2006	EXAMINER	
SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			ALVAREZ, RAQUEL	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/669,486  
Filing Date: September 25, 2000  
Appellant(s): FLOCKHART ET AL.

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Douglas W. Swartz  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 4/6/06 appealing from the Office action  
mailed 4/26/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences** the examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(8) Evidence Relied Upon**

6,597,685	MILOSLAVSKY et al.	07-2003
6,088,444	WALKER et al.	07-2000

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Miloslavsky teaches a method for routing contacts in a contact center (Abstract).  
Evaluating a collection of one or more items the collection being associated with a contact of the customer and routing a contact of the customer to at least one working

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agent and queue based on priority queuing (col. 10, lines 25-55, col. 16, lines 20-21, lines 31-36, col. 31, lines 15-25, col. 36, lines 35-50, col. 38, lines 20-35), the collection is an order, such as a shopping cart (col. 12, lines 2-15), providing the customer with at least one web page that describes the item and the routing step follows a step of clicking on the icon (col. 12, line 45 - col. 13, line 4), comparing the item with predetermined information, such as a list of items, to determine the destination of the routing step (col. 16, lines 30-40, col. 36, lines 40-45, col. 38, lines 20-35), routing step considers at least the identity of the customer (col. 15, lines 50-67).

Miloslavsky teaches a method for routing contacts comprising: creating an electronic order associated with the current contact of a customer (col. 10, lines 45-55), adding at least one item to the electronic order (col. 12, lines 1-10), receiving a request from the customer for the contact to be serviced (col. 12, lines 44-63), evaluating the at least one item in the order to identify at least one of an identity of the at least one item (col. 16, lines 30-40, col. 19, lines 40-45, col. 31, lines 20-25, col. 36, lines 40-45, col. 38, lines 20-35), selecting at least one resource and a queue to receive the contact based at least in part on the identity of the item (col. 16, lines 20-21, lines 31-36, col. 19, lines 40-45, lines 40-45, col. 38, lines 20-30).

Walker teaches a method and corresponding system comprising: evaluating a collection of one or more items of a customer to identify a value of at least one item in the collection, the collection being associated with a contact of the customer (col. 3, lines 45-50, col. 5, lines 54-60), and routing the contact of the customer to at least one of a working agent and queue in the contact center based at least in part of the value

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(col. 3, lines 45-67, col. 6, lines 30-35). Walker also teaches the routing step considers at least one of an identity of the customer, the historical business relationship with the customer (col. 3, line 64 - col. 4, line 8), the plurality of items having a separate value and the value of the at least one item is the total of the separate values (figs 4B, 4C); the priority of the contact is directly dependent upon the value of the at least one item (col. 6, lines 10-35).

Walker also teaches creating an order associated with a current contact of a customer (figs. 4A-4C); adding at least one item to the order (figs. 4A-4C); evaluating the at least one item in the order to identify at least one of an identity of the item and a sales price of the item (col. 4, line 65 - col. 5, line 10) selecting at last one of a resource and a queue in the contact center to receive the contact based at least in part on at least one of an identity of the item and a sales price of the item (01. 3, lines 45-67, 01. 6, lines 9-40). It would have been obvious to one having ordinary skill in the art at the time of the invention to include the value of the order and routing based at least in part on the value of the order as in Walker in the method and system of Miloslavsky since evaluating and routing based on the value of the order would have prevented dissatisfaction of the high business value customer as suggested in Walker (col. 1, lines 30-35) and since Miloslavsky suggests preemptive priority for valued customers (col. 31, lines 19-21).

Miloslavsky substantially teaches the invention but does not specifically show use of an applet. However, it would have been obvious to one having ordinary skill in the art at the time of the invention to have used an applet for accessing and computing

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the order since this is well known in the art for on-line customer orders. It also would have been obvious to have compared the value to a predetermined value to determine the destination step since a threshold would be necessary in order to determine who qualifies as a "valued" customer where the value is at least determined by the amount of sales. It also would have been obvious to have evaluated the value and nature of item in a shopping cart since this would have been adopted for the intended use of determining which product the customer is about to order (col. 12, lines 9-15).

#### **(10) Response to Argument**

Appellant argues that routing of a second contact with a customer on a second channel based on information obtained in a first contact with the customer on a first channel. The Examiner disagrees with Appellant because Miloslavsky teaches on col. 12, lines 9-20, the first channel is taught when the user in customer site 104 is reviewing information on browser 1116 or is about to place an order, the user may request the attention of a service agent in service assistance center 1140. It is desirable for the service agent to display on his/her computer 1146 the same web page displayed on browser 1116 while interaction with the user through telephone (second channel). It is also desirable for the service agent to obtain as much information about customer site 1104 as possible prior to commencing telephone communication with the user. The users in Miloslavsky connect to the web page through one channel and then make another connection to the service assistance center by clicking on the icon, a user initiates a telephone communication with the service center.

Applicant argues that the product support expertise of Miloslavsky is used to route but not to help requiring outgoing contacts. The Examiner respectfully disagree with Applicant because in Miloslavsky, col. 12, lines 9-20 and col. 16, lines 38-41, it teaches that the when the customer is about to place an order on an item or product, the user may request the attention of a service agent in service center 1140. The calls are **routed to the support person based on the product expertise of the support person** (col. 38, lines 20-35).

Appellant argues that Miloslavsky or Walker do not teach the use of item type in routing a request for further customer contact to a resource for servicing. The examiner wants to point out that Miloslavsky teaches that based on the product type, it routes the call to the support person that has experience on the particular product or item (col. 38, lines 20-35).

Appellant argues that Miloslavsky doesn't teach the use of an icon in a web page to initiate a request for customer assistance coupled with product order analysis to decrease the likelihood of abandonment of the browsing session. The Examiner disagrees with Appellant because Miloslavsky teaches on col. 12, lines 44 to col. 13, lines 1-15, that on the order page before the customer order the product, item or service, the customer can click on **icon, such as button 1118** to initiate telephone communication with **service assistance 140**.

With respect to the official notice taken by the Examiner that downloading the evaluator, an applet onto the customer's computer is old and well known in order to ease the evaluation process. It would have been obvious to one having ordinary skill in the art at the time of the Miloslavsky's invention to have used an applet for accessing and computing the order since this is well known in the art for on-line customer orders. It also would have been obvious to have compared the value to a predetermined value to determine the destination step since a threshold would be necessary in order to determine who qualifies as a "valued" customer where the value is at least determined by the amount of sales. It also would have been obvious to have evaluated the value and nature of item in a shopping cart since this would have been adopted for the intended use of determining which product the customer is about to order (Miloslavsky col. 12, lines 9-15).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Appellant argues that Miloslavsky doesn't teach including the item value and/or type in a cookie. The Examiner wants to point out that Miloslavsky teaches on col. 15, lines 50-59, using cookies to keep track of the documents associated with the web



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page displayed by the customer, the web page containing the products value and item type.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

R.A.

Conferees:

Eric Stamber

Yehdega Retta